

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

STEPHANIE PRICE, ET AL.,

Plaintiffs,

vs.

NEW HAMPSHIRE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
COMMISSIONER, ET AL.,

Defendants.

Case No. 21-cv-25-PB

**PLAINTIFFS' MOTION FOR DEFENDANTS TO PRODUCE DOCUMENT  
PERTAINING TO ABUSE AND NEGLECT REPORTS**

Pursuant to Fed. R. Civ. P. 26 and Local Rule 7.1, Plaintiffs, by and through their undersigned counsel, respectfully move this Court to order production of documents from the New Hampshire Department of Health and Human Services' Bureau of Elderly and Adult Services as described below. In support of this motion, Plaintiffs state as follows:

1. On February 15, 2022, the Plaintiffs served their Fourth Set of Requests for the Production of Documents to Defendants. Request No. 2 provides:

Documents relating to reports of abuse or neglect made, orally or in writing, with the NHDHHS [New Hampshire Department of Elderly and Adult Services] BEAS [Bureau of Elderly and Adult Services] relating to any CFI [Medicaid Choices for Independence] Waiver participant.

2. Plaintiffs seek these documents as further evidence that putative class members are at risk of institutionalization when they do not receive Medicaid services pursuant to the Choices for Independence program, because those class members can be the subjects of neglect/abuse or self-neglect reports to BEAS.

3. Production of confidential information in this litigation is governed by the Court's

August 24, 2021 Protective Order, ECF Doc. 34.

4. Defendants made a timely objection to Request 2, relying, inter alia, on RSA 161-F:57. Defendants assert that RSA 161-F:57 prohibits Defendants from producing information responsive to Request No. 2 absent a court order requiring Defendants to produce such information.

5. Plaintiffs understand that the Defendants will not oppose a motion ordering Defendants to produce a document that shows the following information – and only the following information – for every abuse and neglect report filed for anyone who has been in the CFI Waiver program since January 1, 2018: (1) name and Medicaid ID; (2) district office that fielded the report; (3) Report Type; (4) Report Date; (5) Determination (i.e., founded or unfounded); (6) alleged victim’s living arrangement; (7) Age range (10 year age range); (8) gender; (9) alleged perpetrator’s role with victim, if applicable; (10) Allegation Site, if available; (11) Action Taken, if available (e.g., “Client Entered Placement,” “To be Opened in Protection Program”); and (12) Final Risk Level (Medium, High, Low).

6. Plaintiffs reserve their right to request additional related information in the future.

7. Defendants reserve their right to oppose the production of any additional information relating to abuse and neglect reports that Plaintiffs may request.

8. Pursuant to Local Rule 7.1(c), defense counsel has notified undersigned counsel that the Defendants do not oppose the relief set forth in this motion.

9. Pursuant to Local Rule 7.1(a)(2), no memorandum of law accompanies this motion, as the relief sought herein is within the sound discretion of this Court.

WHEREFORE, the Plaintiffs respectfully request that this Court:

- A. Order the Defendants to produce the following information in response to Plaintiffs Fourth Set of Requests for the Production of Documents Request No. 2, within thirty (30) days of the date of this order: A document that shows the following information – and only the following information – for every abuse and neglect report filed for anyone who has been in the CFI Waiver program since January 1, 2018: (1) name and Medicaid ID (2) district office that fielded the report; (3) Report Type; (4) Report Date; (5) Determination (i.e., founded or unfounded); (6) alleged victim’s living arrangement; (7) Age range (10 year age range); (8) gender; (9) alleged perpetrator’s role with victim, if applicable; (10) Allegation Site, if available; (11) Action Taken, if available (e.g., “Client Entered Placement,” “To be Opened in Protection Program”); and (12) Final Risk Level (Medium, High, Low).

STEPHANIE PRICE, EMILY  
FITZMORRIS, and KATHLEEN BATES,  
on behalf of themselves and all others  
similarly situated,

By Their Attorneys,

/s/ Kay E. Drought

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**CERTIFICATE OF SERVICE**

I, Kay E. Drought, hereby certify that the foregoing motion will be filed through the ECF system and served electronically on the registered participants identified on the Notice of Electronic Filing (NEF).

Dated: May 25, 2022

/s/ Kay E. Drought

Kay E. Drought